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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,701	12/13/2005	Genevieve Rougon	270346US0X PCT	3688

22850 7590 06/28/2007

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EXAMINER	
HA, JULIE	

ART UNIT	PAPER NUMBER
1654	

NOTIFICATION DATE	DELIVERY MODE
06/28/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/531,701	ROUGON ET AL.	
	Examiner	Art Unit	
	Julie Ha	1654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) 1-28 are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 3-5, 12-18, 19 and 25, drawn to a first method drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence DSPLVPFIDFHP and a first product drawn to a medicament and a pharmaceutical composition comprising a peptide DSPLVPFIDFHP.

Group 2, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence LWQPPLIPGIDF.

Group 3, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence QIEPWFTPEDFP.

Group 4, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence TRLAPLVFPLDY.

Group 5, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence SWLQMPWALVRT.

Group 6, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence EIHLRMIKQITI.

Group 7, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence WHLEYMWRWPRL.

Group 8, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence LIEQRLPKHILT.

Group 9, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence YETSSSRLLAYA.

Group 10, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence TLASQLSNTSAY.

Group 11, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence SDQGVNGSWSNP.

Group 12, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence WHNWNLWAPASPT.

Group 13, claim(s) 8, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence WHWQWTPWSIQP.

Group 14, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence IKSPLTWLVPPD.

Group 15, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence SHLDLSTGHRTS.

Group 16, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence CYPLNPEVYHCG.

Group 17, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence CWPLSHSVIVCG.

Group 18, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence CSSVTAWTTGCG.

Group 19, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence CYMASGVFLCG.

Group 20, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence CWPLGPSTYICG.

Group 21, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence CSLIASMETGCG.

Group 22, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence CSKIASMETGCG.

Group 23, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence CYIGDPPFNPCG.

Group 24, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence CWPLGDSTVICG.

Group 25, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence CPLRLAFTFGCG.

Group 26, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a linear peptide comprises an amino acid sequence CTRMSHGYWICG.

Group 27, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence DSPLVPFIDFHP.

Group 28, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence LWQPPLIPGIDF.

Group 29, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence QIEPWFTPEDFP.

Group 30, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence TRLAPLVFPLDY.

Group 31, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence SWLQMPWALVRT.

Group 32, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence EIHLRMIKQITI.

Group 33, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence WHLEYMWRWPRL.

Group 34, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence LIEQRLPKHILT.

Group 35, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence YETSSSRLLAYA.

Group 36, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence TLASQLSNTSAY.

Group 37, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence SDQGVNGSWSNP.

Group 38, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence WHNWNLWAPASPT.

Group 39, claim(s) 7, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence WHWQWTPWSIQP.

Group 40, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence IKSPLTWLVPPD.

Group 41, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence SHLDLSTGHRTS.

Group 42, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence CYPLNPEVYHCG.

Group 43, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence CWPLSHSVIVCG.

Group 44, claim(s) 3-4 and 6, drawn to a method for preparation of a medicament wherein a cyclic peptide in having a sequence CSSVTAWTTGCG is attached covalently to side chain of a cysteine at position 11 of CSSVTAWTTGCG.

Group 45, claim(s) 3-4 and 6, drawn to a method for preparation of a medicament wherein a cyclic peptide in having a sequence CSSVTAWTTGCG is attached covalently to side chain of a cysteine at position 11 of CSKIASMETGCG.

Group 46, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence CYMASGVFLCG.

Group 47, claim(s) 3-4,drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence CWPLGPSTYICG.

Group 48, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence CSLIASMETGCG.

Group 49, claim(s) 3-4 and 6, drawn to a method for preparation of a medicament wherein a cyclic peptide in having a sequence CSKIASMETGCG is attached covalently to side chain of a cysteine at position 11 of CSKIASMETGCG.

Group 50, claim(s) 3-4 and 6, drawn to a method for preparation of a medicament wherein a cyclic peptide in having a sequence CSKIASMETGCG is attached covalently to side chain of a cysteine at position 11 of CSSVTAWTTGCG.

Group 51, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence CYIGDPPFNPCG.

Group 52, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence CWPLGDSTVICG.

Group 53, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence CPLRLAFTFGCG.

Group 54, claim(s) 3-4, drawn to a method for preparation of a medicament wherein a cyclic peptide comprises an amino acid sequence CTRMSHGYWICG.

Group 55, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence LWQPPLIPGIDF.

Group 56, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence QIEPWFTPEDFP.

Group 57, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence TRLAPLVFPLDY.

Group 58, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence SWLQMPWALVRT.

Group 59, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence EIHLRMIKQITI.

Group 60, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence WHLEYMWRWPRL.

Group 61, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence LIEQRLPKHILT.

Group 62, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence YETSSSRLLAYA.

Group 63, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence TLASQLSNTSAY.

Group 64, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence SDQGVNGSWSNP.

Group 65, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence WHNWNLWAPASPT.

Group 66, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence IKSPLTWLVPPD.

Group 67, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence SHLDSTGHRTS.

Group 68, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence CYPLNPEVYHCG.

Group 69, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence CWPLSHSVIVCG.

Group 70, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence CSSVTAWTTGCG.

Group 71, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence CYMASGVFLCG.

Group 72, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence CWPLGSTYICG.

Group 73, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence CSLIASMETGCG.

Group 74, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence CSKIASMETGCG.

Group 75, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence CYIGDPPFNPCG.

Group 76, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence CWPLGDSTVICG.

Group 77, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence CPLRLAFTFGCG.

Group 78, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a linear peptide comprising an amino acid sequence CTRMSHGYWICG.

Group 79, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence DSPLVPFIDFHP.

Group 80, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence LWQPPLIPGIDF.

Group 81, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence QIEPWFTPEDFP.

Group 82, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence TRLAPLVFPLDY.

Group 83, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence SWLQMPWALVRT.

Group 84, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence EIHLRMIKQITI.

Group 85, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence WHLEYMWRWPRL.

Group 86, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence LIEQRLPKHILT.

Group 87, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence YETSSSRLLAYA.

Group 88, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence TLASQLSNTSAY.

Group 89, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence SDQGVNGSWSNP.

Group 90, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence WHNWNLWAPASPT.

Group 91, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence IKSPLTWLVPPD.

Group 92, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence SHLDSTGHRTS.

Group 93, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence CYPLNPEVYHCG.

Group 94, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence CWPLSHSVIVCG.

Group 95, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence CSSVTAWTTGCG.

Group 96, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence CYMASGVFLCG.

Group 97, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence CWPLGSTYICG.

Group 98, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence CSLIASMETGCG.

Group 99, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence CSKIASMETGCG.

Group 100, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence CYIGDPPFNPCG.

Group 101, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence CWPLGDSTVICG.

Group 102, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence CPLRLAFTFGCG.

Group 103, claim(s) 12-17, 20 and 24-25, drawn to a medicament and a pharmaceutical composition comprising a cyclic peptide comprising an amino acid sequence CTRMSHGYWICG.

Group 104, claim(s) 21 and 26, drawn to a polynucleotide wherein the polynucleotide encodes the peptide.

Group 105, claim(s) 22-23 and 27-28, drawn to a recombinant vector and a host cell.

Linking Claims

2. Claims 1-2 and 9-11 link(s) inventions 1 through 54. The restriction requirement among the linked inventions is **subject to** the nonallowance of the linking claim(s), claim 1-2 and 9-11. Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions **shall** be withdrawn and any claim(s)

depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104 **Claims that require all the limitations of an allowable linking claim** will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.

3. Applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, the allowable linking claim, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

4. A national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

(1) a product and a process specially adapted for the manufacture of said product; or

(2) a product and a process of use of said product; or

(3) a product, a process specially adapted for the manufacture of the said product, and a use of the said product; or

(4) a process and a apparatus specifically designed for carrying out said process; or

(5) a product, a process specially adapted for the manufacture of the said product and an apparatus specifically designed for carrying out said process. 37 CFR 1.475.

Group I, having a first product and a first method for making said product fall within category (1). PCT Rule 13 does not provide for multiple compositions or multiple

methods of use within a single application. Thus, the first appearing composition is combined with a corresponding first method of making and the additional composition and method claims each constitute a separate group.

5. The inventions listed as Groups 1 through 105 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The peptide sequences claimed are patentably independent and distinct due to the amino acid content leading to different structures. For example, DSPLVPRIDFHP (SEQ ID NO:1) is not the same as SDQGVNGSWSNP(SEQ ID NO: 11) or CWPLGDSTVICG (SEQ ID NO: 24). Furthermore, a linear peptide is not the same as a cyclic peptide, structurally and in sequence. Further, search for one would not lead to the other. There is no common core structure present.

The situation involving the so-called Markush practice wherein a single claim defines alternatives (chemical or non-chemical) is also governed by PCT Rule 13.2. In this special situation, the requirement of a technical interrelationship and the same or corresponding special technical features as defined in PCT Rule 13.2, shall be considered to be met when the alternatives are of a similar nature.

When the Markush grouping is for alternatives of chemical compounds, they shall be regarded as being of a similar nature where the following criteria are fulfilled:

(A) All alternatives have a common property or activity; and

(B)

(1) A common structure is present, i.e., a significant structural element is shared by all of the alternatives; or

(B)

(2) In cases where the common structure cannot be the unifying criteria, all alternatives belong to a recognized class of chemical compounds in the art to which the invention pertains.

In paragraph (B)(1), above, the words "significant structural element is shared by all of the alternatives" refer to cases where the compounds share a common chemical structure which occupies a large portion of their structures, or in case the compounds have in common only a small portion of their structures, the commonly shared structure constitutes a structurally distinctive portion in view of existing prior art, and the common structure is essential to the common property or activity. The structural element may be a single component or a combination of individual components linked together.

In paragraph (B)(2), above, the words "recognized class of chemical compounds" mean that there is an expectation from the knowledge in the art that members of the class will behave in the same way in the context of the claimed invention. In other words, each member could be substituted one for the other, with the expectation that the same intended result would be achieved.

6. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

(a) the inventions have acquired a separate status in the art in view of their different classification;

(b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;

(c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);

(d) the prior art applicable to one invention would not likely be applicable to another invention;

(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

7. **Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined** even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected invention**.

8. The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election

shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

9. If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

10. **Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.**

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Ha whose telephone number is 571-272-5982. The examiner can normally be reached on Mon-Fri, 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Julie Ha
Patent Examiner
AU 1654

6/21/07
ANISH GUPTA
PRIMARY EXAMINER